

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

XTREME CAGED COMBAT, ET AL.,	:	
	:	
Plaintiffs,	:	CIVIL ACTION
	:	
v.	:	NO. 12-cv-3855
	:	
ECC FITNESS (AKA EXTREME CAGE	:	
COMBAT), ET AL.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 20th day of November, 2012, upon consideration of Defendants' Motion to Dismiss or, in the Alternative, Motion for a More Definite Statement (Doc. No. 10) and Plaintiffs' response thereto (Doc. No. 11), and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that the Motion is GRANTED IN PART and DENIED IN PART as follows:

1. The Plaintiffs' claims in the Supplemental Complaint for damage to personal property are DISMISSED for lack of subject matter jurisdiction.

2. The motion to dismiss the Plaintiffs' trademark infringement claim under Fed. R. Civ. P. 12(b)(6) is DENIED.

3. The motion to dismiss the Plaintiffs' trademark dilution claim under Fed. R. Civ. P. 12(b)(6) is GRANTED, with leave to the Plaintiffs to file an amended complaint within 20 days of the date of entry of this order correcting the deficiencies noted in the accompanying memorandum.

4. The motion for a more definite statement is DENIED.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, C.J.